

AO240A (Rev. 01/09)(06/19 WD/VA) Order to Proceed Without Prepaying Fees or Costs

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UNITED STATES DISTRICT COURT  
for the  
Western District of Virginia

Board of Supervisors Of Alleghany County	)	
Plaintiff	)	
v.	)	Civil Action No. 7:21cv00448
	)	
Donnie T.A.M. Kern	)	
Defendant	)	

**ORDER TO PROCEED WITHOUT PREPAYING FEES OR COSTS**

Defendant, ☒ appearing pro se ☐ represented by counsel, has filed an application under 28 U.S.C.

§1915(a) to proceed without prepaying fees or costs. Accordingly,

**IT IS ORDERED** that defendant's application is:

☐ Granted:

☐ The Clerk is ordered to file the complaint and issue a summons.  
Counsel for is directed to effect service of process upon defendant(s).

☐ The Clerk is ordered to file the complaint. The plaintiff is directed to complete and return to the court, a summons and USM-285 form for each named defendant. Upon receipt of the completed summons and USM-285 forms for each named defendant, the clerk will issue a summons. If the completed summons and USM-285 forms are not submitted as directed within fourteen (14) days, the complaint may be dismissed. The United States Marshal is ordered to serve the summons with a copy of the complaint and this order on the defendant(s). The United States will advance the costs of service.

☒ Denied:

This application is denied for these reasons: The court finds that Defendant Kern's income and assets do not demonstrate sufficient need and exceed the level required to proceed without paying costs.

**If the filing fee is not paid within 14 days, the case will be dismissed.**

Date: August 26, 2021

/s/ Thomas T. Cullen  
U.S. District Judge Thomas T. Cullen